the marketability or the market angle when it assesses viability. There are limits on fixing. Providing markets and facilities, of course, some other organisation will have to take care of. The financial institutions make assessments and while making assessments they discuss with them. That is how far the financial institutions can go. Shri Virendra Verma also spoke about loans to cooperatives. The limit on loans that can be given to cooperatives is proposed to be enhanced in this Bill. About recoveries some mention was made, about arrears etc. Of course, provision has been made about recovery of arrears of loan also.

Shri Lakshmanna referred to appointment of chairman and managing director. I have already replied to it. Shri Rameshwar Thakur talked about IDBI recommendations, that they should be considered. Well, Government takes account of all relevant factors and I don't think there is need of making a statutory provision regarding that. About industrial sickness I have already mentioned. We are coming up with a Bill. About research and development he mentioned. Provision has been made in this Bill regarding assistance for research and development.

A mention was made by Shri Gurupadaswamy that this should have gone to a Select Committee and he also expressed the view that this tradition is fast fading out. But these are only amendments to the Act and these are not changing the basic structure of the Act which is just going in the direction which the House had originally approved. So, I thought that I could go straight to the House and not lose time in going to a Select Committee.

Madam, I think there are many other suggestions and I could go on responding to them. But to some of the more important points I have tried to respond and, certainly, to the other suggestions which have been made we will give all the consideration.

With these words, Madam, I thank the honourable Members again and commend the Bill for the consideration of the House.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the State Financial Corporations Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 30 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI VISHWANATH PRATAP SINGH: Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE CRIMINAL LAW AMENDMENT (AMENDING) BILL, 1985

THE DEPUTY CHAIRMAN: Now, we have about one hour or so. We will now take up the Criminal Law Amendment (Amending) Bill, 1985. The time allotted is two hours. Now, Mr K. P. Singh Deo to move.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K. P. SINGH DEO): Madam, I beg to move:

"That the Bill further to amend the Criminal Law Amendment Act, 1952, as passed by the Lok Sabha, be taken into consideration."

[Shri K.P. Singh Deo]

Madam, this Bill seeks to amend the Criminal Law Amendment Act, 1952, in order to provide for punishment of personnel of the Border Security Force who assist smugglers or infiltrators in crossing the borders by accepting some consideration.

[THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU) IN THE CHAIR.] . .. .

Sir, in accordance with clauses 2 and 3 of sub-rule (2) of Rule 15 of the BSF Act, 1969, it is the duty of the BSF personnel—I would mention only two which are relevant to this Bill—to (1) prevent trans-border crimes of unauthorised entry into or exit from the territory of India, and (2) prevent smuggling and any other illegal activity. In the recent past, cases have come to the notice of the Government where the personnel of the Border Security Force have shown connivance with smuggle s and infiltrators after accepting considerations in the form of money or goods. At the moment, the BSF personnel, whose conduct is found to be prejudicial to good order and discipline of the Force, can be dealt with under section 40 of the BSF Act, 1968, whereas civil offences committed by the BSF personnel can be tried and punished by the Security Force under section 46 of the said Act. But, under subsection (1) of section 7 of the Criminal Law Amendment Act of 1952, offences, which are specified under sub-section (1) of section 6 of that Act, that is, taking of gratification by public servants is triable by Special Judges only and, according to a judgment of the Supreme Court, the Special Judges have exclusive jurisdiction to try any such offence and the mere fact that any such offence might also be an offence under the Army Act or the Navy Act or the Air Force Act shall not be of any relevance to a case. Therefore, the Criminal Law Amendment Act, 1952, was amended through an Ordinance in 1965, replaced by the Criminal Law Amendment Act, 1966, to save the jurisdiction exercisable by the courts-martial or other authority under the Military, Naval and Air Force laws.

And to validate the trials held, proceedings taken and sentences passed by courts martial and other competent authorities under these laws.

B.S.F. personnel are governed by the B.S.F. Act, 1968, which is somewhat akin to the Army Act, 1950. It is proposed that the Criminal Law Amendment Act, 1952, may be amended prospectively so that the jurisdiction exercisable by the Security Force Courts in respect of offences specified in Section 6(1) of the Criminal Law Amendment Act, 1962, is not affected in view of the provision relating to trial by special judges in Section 7 of the latter Act.

The question was proposed.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Mr. Sukomal Sen.

SHRI SUKOMAL SEN (West Bengal): Mr. Vice-Chairman, Sir, I think that the Bill has been unduly delayed. After the Supreme Court judgment, the Criminal Law Amendment Act, 1952, was amended through an Ordinance in 1965, so far as it related to the military naval and air force laws.

The Border Security Force, I think, came into being in 1965 and the Border Security Force Act came into being in 1968. So I fail to understand why so many years elapsed between the coming into being of the Border Security Force Act and the introduction of this Bill, because in the Bill itself the Government has admitted that there are instances of corruption, etc. in the B.S.F., and to tackle that, I think, this amendment is necessary. Though the Bill is small in that way the Bill is also a very important one. Anyway, better late than never. But one aspect I would like to deal with is about the functioning of the BSF itself. Sir, the

BSF was created—Madam,... (*Interruptions*) This is the problem. Sometimes you have to say 'Sir', sometimes 'Madam'. (*Interruptions*) There should be a *Via media*. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): You can say 'Chairperson'.

SHRI SUKOMAL SEN: Anyway, the BSF was created in our country primarily, I think, to promote a sense of security among the people living in the border areas and also to prevent trans-border crimes, unauthorised movement, to prevent smuggling or any other local activity. But I do not thing that this force could inspire confidence among the people. I do not blame the entire BSF force, or I do not say that your BSF personnel are bad or corrupt or not dutiful. I do not make such sweeping remarks. But there are instances where the BSF could not act properly and could not live up to the expectations. It is correct that during the war times our BSF boys fought valiantly. There are several instances where the BSF fought valiantly also. But in peace time the function of the BSF, I would say, is really disappointing. Now, about checking of infiltration that day we were discussing in Parliament about the fencing of the border between Bangladesh and India to prevent infiltration. Fencing is yet to be completed. But the BSF is there. Is it not a fact that so many infiltrations take place on either side of the border by bribing the BSF personnel?

In fact, what happens is that the Government tries to ignore the charges made by the people that sometimes the B.S.F. personnel are acting in collusion with the anti-social elements and that they are helping the infiltrators from both sides of the border. In fact, during the previous Prime Minister's regime I myself raised a question in the House that B.S.F. personnel are in collusion with the anti-social elements and that they help the infiltrators. But the State Home Minister ignored that question. He said that there was no such incidence or any charge of corruption like that. Now this Bill itself proves that there are lot of such instances and that is why the Government was forced to come forward with this Bill.... The infiltration that is taking place is sometimes done with the help of the B.S.F. personnel. I do not blame the B.S.F. Jawans only. This corruption does not generate only at the bottom. It starts from the higher echelons and percolates into the bottom. Our Prime Minister said about corruption that the main problem is at the bottom. I do not think that the B.S.F. personnel or the B.S.F. Jawans can indulge in corrupt practices unless they are aided and abetted by their officers. From top to bottom, some portion of the B.S.F. has indulged in corruption. The same is the story about smuggling and other border crimes. It is a common complaint against some of the B.S.F. personnel in the border areas that a section of the B.S.P. personnel is in collusion with the smugglers. There is a nexus between the local smugglers and certain sections of the B.S.F. personnel and smuggling takes place everyday. Any person with an open eye knows how smuggling takes place in the border areas of all sorts of goods, whether it is gold or heroin or fish or poultry goods. From the Eastern part, a lot of fish comes into West Bengal. That is smuggling. It is not a small packet. Huge buckets of fish are coming. From this side, textile goods and other goods are going there. Without the knowledge of B.S.F. personnel, it cannot happen. I do not know why the Government has kept silent over it for the last so many years. Our Home Minister should furnish a list as to how many crimes were detected from the time of the formation of the B.S.F. till today, in how many cases action has been taken and how many guilty persons, including officers and Jawans have been punished. These things have not been disclosed. Therefore, we do not have any knowledge about what is happening on the border.

Not only smuggling, other crimes are also taking place on the border. There are complaints that some of them are in

[Shri Sukomal Sen]

collusion with the criminals. I would like to draw your attention to the happenings in Punjab. Everybody knows and Government also has said many times that arms smuggling took place from that part of the border into our side. It means some Pakistani arms were smuggled into Punjab area. Now this could not happen without the connivance and collusion of a section of the B.S.F personnel who are entrusted to guard our borders. How can these things come into our country? Even in such a big thing, a section of the B.S.F. personnel was involved. In this way, the B.S.F. could not live up to the expectations. Although this force was created with some specific purpose, that purpose has not been properly served by the B S.F.

As I have said earlier, particularly in the border areas people are living always with some sort of fear. A fear psychosis always prevails in the border areas. The main function in that respect of the BSF is to inspire confidence among the people living in the borders. But if the people find that a section of the BSF personnel are themselves involved in all the crimes, smuggling and even arm smuggling, then how the people living in the border areas will have confidence, how will they be free from fear? Sometimes what happens is that when they see the example of the BSF personnel, a section of the people take to corruption. They feel that without collusion with the criminals and the corrupt it is very difficult to live in the border areas. So, it percolates among the common people also who generally want to remain aloof from corruptioin and other criminal activities. So, Sir, these aspects have to be looked into by the Government.

Another aspect to which I would like to draw the attention of the Government is that these BSF personnel are mainly led by the IPS officers. Indian Police Service officers are deputed to the BSF in all higher posts. Although the BSF is a war force, a fighting force, in peace time also so many border clashes take place, and it is the BSF who have got to fight in the borders in peace time also. So, they have an element of fighting. And it is in one respect a fighting force. But there are officers who have been drawn from the Indian Police Service. I do not object. But if that be the purpose that the induction of the IPS officers into the BSF is mainly to help the BSF personnel to control the crimes, to control the smuggling, it means that they do the police functioning. Then, I would like to ask the hon. Minister whether that purpose has been served. You have been inducting the police officers, and they are doing the various duties of the BSF personnel. But here, particularly in these police duties, the BSF personnel have failed. So, why have you inducted these IPS officers into the BSF? I do not say that you withdraw them. But the purpose of their induction should be served. And the newspaper reports off and on say that a tug of war has already started between the direct recruits of the BSF and the IPS officers. IPS officers also sometimes work there as if they are the big bosses. In this way, the direct recruits of the BSF are getting aggrieved and there is an infighting going on between the direct recruit Commandants of the BSF and the IPS officers. I would like the hon. Minister to look into this problem and sort it out because if this infighting goes on inside the BSF, already on the one side they are not properly discharging their duties, they are failing in their duties, and a section of them are getting involved in crimes and smuggling and other activities, and on the other, if inside the BSF a tug of war goes on between the direct recruits of the BSF and the IPS officers, then the entire force will be demoralised in the near future. If that happens, it will be dangerous for our country. They would not be able to protect our borders.

Now, Sir, I would like the hon. Minister to enlighten us as to how many cases of corruption and other cases of involvement of the BSF personnel in smuggling and other activities have been registered by the Government, how many cases have been tried, how many

cases have been solved, and how many people have been punished. That information may be supplied by the hon. Minister.

Lastly, I would appeal to him that the BSF was created for a given purpose and the Government should see that this Force remains as disciplined as it should be, as it deserves to be. That sort of discipline and that amount of freeness from corruption and other charges should be there in the BSF personnel. They should be able to inspire confidence among the people.

And the BSF personnel should be inspired to fight for the protection of the country and to control the border crimes and check smuggling and infiltration Particularly, the lessons of the border in Punjab, the lessons of the border in Assam, the lessons of the borders of Tripura and elsewhere are the eye-openers and the Government should draw lessons from it and re-vamp the entire Border Security Force accordingly.

Lastly, I would like to mention about the clashes between Nagaland and Assam. There is a report that BSF was also involved in that clash. Nagaland Government deployed BSF to fight the Assam Armed Constabulary and there is a report that BSF used mortar shells. These are not used by ordinary armed police this is only used by the BSF. So, if the BSF is also used in clashes between the two States of India between Nagaland and Assam—not between Bangladesh and India or Pakistan and India—it is a matter of shame for us. So, that aspect should also be looked into by the Government so that such things do not recur and the guilty are brought to book.

SHRI SANKAR PRASAD MITRA (West Bengal): Mr. Vice-Chairman, I rise to support this Bill. I do not know why the hon. Minister has said in the opening sentence of the second paragraph of his Statement of Objects and Reasons that "In the recent past cases have come to notice where personnel of Border Security Force have shown connivance with smugglers and infiltrators after accepting consideration in the form of money or goods." The expression 'recent past' to my mind is an unfortunate expression. This has been going on from the very beginning In Maj. Barsay's case, a Division Bench of Supreme Court consisting of Mr. Justice Subba Rao and Mr. Justice Raghubar Dayal came to the conclusion that the Army Act does not expressly or by implication bar the jurisdiction of criminal courts in respect of acts or omissions punishable under the Army Act if they are also punishable under any other law in force in India. They said that where the accused were charged with having committed offences expressly falling under section 6 of the Criminal Law (Amendment) Act, the Special Judge had clearly jurisdiction to try the accused in respect of the said offences and the mere fact that the said act or omission may also constitute an offence under section 52 of the Army Act would not be of any relevance as jurisdiction was exclusively conferred on the Special Judge under section 7 notwithstanding anything contained in any other law. It is because of this judgment Bench of the Supreme Court that section 11(1) of the Criminal Law (Amendment) Act of 1952 was introduced.

Sr, I have to go a little into the history of the partition of the country and of the creation of the Border Security Force. I had the good fortune of meeting Maulana Abul Kalam Azad on many occasions.

In 1956, I had the privilege of meeting him at his residence in Delhi, along with Dr. B. C. Roy and Shri P. C. Sen. Maulana Abul Kalam Azad said—he subsequently wrote the same thing in his book called 'India wins freedom'—that when Qaid-e-Azam Moh. Ali Jinnah demanded Pakistan, he did not realise that any of

[Shri Sankar Prasad Misra]

the wings of Pakistan would ever have a self-reliant economy, nor did he think of the fate of Muslims who would stay in India.

Sir, Punjab and Bengal fought the British imperialists both by violent and non-violent means. It would be apparent, by glancing through the names of prisoners in the Andamans Cellular jail, what role these two provinces played in our freedom struggle. Punjab and Bengal had to pay the maximum price for achieving Independence. We were opposed to partition. But when partition became inevitable, thanks to the herculean efforts of Dr. Shyama Prasad Mookherjee and Sardar Vallabhai Patel, we were able to create East Punjab and West Bengal. In Punjab, there was a two-way traffic of refugees. In Bengal, there was only a one-way traffic of refugees. The infiltration and smuggling began with partition and they have not stopped even now. Much of the recent troubles in Punjab, Tripura, Assam and West Bengal, could have been avoided if we had a strong, vigilant, efficient, uncorrupt, and incorruptible Border Security Force in the eastern and western sectors. I am glad, the Government has now realised the crucial role of these two forces posted in the eastern and western sectors. That is why, I extend my wholehearted support to this Bill. I do hope that the primary objective of this Bill in meeting out examplary punishment to offenders in the Border Security Force will be achieved.

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, the partition of the country in 1947 gave rise to an unnatural border in the West, in the form of the Indo-Pakistan border. Since then, our defence forces have been maintaining the sanctity of our borders and have always boldly answered the call of the nation in defending the country against external aggression. However, as Mr. Mitra just said, the vice of smuggling, unauthorised entry, exit etc. began immediately after the partition of the country. To check this as well as to maintain the security of our borders and to instil a sense of confidence in the people living in the border areas, the Border Security Force was created in 1965, initially, under the Central Reserve Police Act, 1949. Thereafter, as its functions spread, a separate, independent, statute in the form of Border Security Force Act, 1968, was enacted to regulate the Border Security Force and to make statutory provisions for maintaining its efficiency and discipline. It was a sacred duty that the BSF was charged with, but unfortunately, there have been cases when the guardian turned assailant. Some personnel of the Border Security Force have, on occasions, connived with smugglers and infiltrators in consideration of some illegal gratification. Such acts have harmed the country to the extent of jeopardising its sovereignty on different occasions.

We are all aware of the developments that have taken place in Punjab during the last three years and the tremendous loss caused to the country and to the State of Punjab. Accumulation of sophisticated weapons smuggled from across the border and indiscriminately used by the extremists to spread terrorism and inflict a shattering blow to the confidence of the people and to endanger security of the country, is directly traceable to the slackness of vigil at the border. The extremists have been crossing borders freely to attend training camps on the other side of the border, in Pakistan. The bombs that exploded at different places in the country and brought untold misery to innocent countrymen were found to have foreign markings. It was the access to these weapons and bombs that enabled the anti-national and anti-social elements to spread the reign of the terror and thwart the democratic process in the country that they were successful in holding the entire society at ransom and the price that we have had to pay was very

Sir, smuggling of drugs and other contrabands from across the border has also adversely affected our economy. It has ruined the youthful exuberance of the youth particularly in the State of Punjab. Unfortunately, smuggling has become a profession for a very large number of people residing in the border area. And permit me to say, Sir, there is a sort of mafia working which may ultimately result in causing damage to the economy and to the unity and intergrity of the country. This, I reiterate, is because of slackness at the border and the connivance of some unscrupulous personnel of the BSF.

In this perspective of things it becomes absolutely essential to enforce strict discipline and a sense of duty amongst the BSF personnel. Taking the duties of the BSF as almost akin to these of the personnel of the Armed Forces, the Government has done well to introduce the present amendment in the Criminal Law Amendment Act 1952, to incorporate for the future that not withstanding anything in the provisions of this Act, it would be the specific provisions of the Border Security Force Act that would apply to the persons covered by the BSF Act of 1968.

Sir, I feel that this provision would definitely act as a deterrent for those guilty persons of the BSF who after accepting bribe in any from would have the tendency to invoke the provisions of the Criminal Law Amendment Act and to want a trial by a Special Judge and not by a Special Court, that is the Security Force court set up under the Border Security Force Act. Not wanting to take much of the time of the House, I would only like to say that when we expect the highest standards from the Border Security Force personnel, standards almost equivalent to the ones we expect from the personnel of the defence forces, it is also our duty to see that simultaneously we do treat the personnel of the Border Security Force at par with those of the Armed Forces. Firstly, I learnt with dismay that the Courts under the Border Security Force Act do not have legally qualified personnel and it is only one legal expect guiding a Board of five or more persons regarding legal matters, whereas in the Armed Forces in the case of court martial proceeding, we have legally trained people guiding such proceedings.

Secondly, there are various disparties in the pay scales of the personnel working in different capacities in the Border Security Force. The Remote Locality Allowance is paid to the people of the Border Security Force on the basis of the location of the Branch Headquarters, and not on the basis of the actual place of deployment, which in almost all the cases works as a great hardship to the people working in remote areas.

Regarding pension, I have to submit through you to the hon. Minister that the conditions should again be improved for the personnel of the Border Security Force. In my opinion they should be entitled to pension after a minimum period of 15 years of service and on attaining the age of 40 years.

The provisions for the rehabilitation of the personnel of the Border Security Force should also be on the same lines as those for the ex-servicemen. Other provisions regarding ration, railway reservation—fortunately we have the Railway Minister present here in the House at the present moment—concession in the air fare, accommdation at non-family stations, house rent, medical facilities and equalisation of pay on the basis of the pay admissible to equivalent ranks in the Army and the Air Force, should be seriously considered by the Government to keep the morals of the personnel of the Border Security Force always up. We have seen in the past that though primarily the duty of the BSF was more of policing the border, what they have been asked to do in the past is a job akin to that of the Army. Whether it was civil disturbance or floods, it is the BSF that we have looked to for assistance. BSF has always come up to our expectations. I do not agree with hon. Members when they say that the BSF has not served the avowed purpose for which it was established. True there may be instance, and the hon. Minister would point out that these may not many, when the personnel of the Border Security Force were found wanting in their duty. But it is precisely to

[Shri Pawan Kumar Bansal]

curb such tendencies amongst even a microscopic minority of the personnel that the present amendment is sought to be brought about. But this as such should not impel us to last any aspersion or even an iota of doubt on the utility of the Border Security Force.

The Border Security Force has a very salutary role to play. It has come to occupy a definite place in our set up, and it is for us to see that the morale of the personnel of the Border Security Force is maintained. And for that I would just reiterate before I conclude that while we take every possible measure to see that no black sheep amongst them acts in any manner prejudicial to the interests or the good of the country, at the same time we should see that their work and living conditions do not really cause them to look left or right for any incentive or monetary gain other than their own lawful salary.

SHRI R. MOHANARANGAM (Tamil Nadu): Mr. Vice-Chairman, Sir, after exhausting almost all the points by my friends here on the floor of Parliament with regard to the Border Security Force, I want to suggest some points on the floor of Parliament with regard to this Bill. Before dealing with the various aspects of this, let me first of all say that I rise to support this Bill.

Within a week we are going to complete 38 years after the independence. We had a population of only 38 crores in the year 1947. Now, with God's blessings, we have a population of nearly 72 crores, having increased the population by 40 crores within 38 years. I personally feel that not only have we increased our population through births inside the country but also a population of nearly three or four crores has come into this country by crossing the borders in these 40 years.

I have got some points with regard the Border Security Force. Fortunate is the person who initiated the debate, who used the same points and references by taking them from the same library. He has exhausted almost all the points.

Now, what I want to say is that they say that the Border Security Force was started in the year 1965 because we do not know exactly in which year it was started. If it was started before 1958, I would have known it for the simple reason that I was searching for a job, writing applications to almost all the departments This Border Security Force was started in the year 1968. That is why I was not in a position to understand what exactly their duties are and also what their rights are. The Statement of Objects and Reasons has very clearly indicated that the duty of the Border Security Force is to prevent unauthorised entry. Of course, while we are preventing entry of unauthorised persons, we have been able to include a population of just more than three to four crores, increasing the total population of the country to 70 crores in 1985.

There was the Supreme Court judgement in 1961. Also there was some amendment of the Criminal law in 1966. And for the past 19 years they have been thinking to amend the Act. As was pointed out by our able and learned Supreme Court Judge, our Minister has very clearly stated in the second para of the Statement of Objects and Reasons that, of late, he was in a position to find certain cases in which personnel of the Border Security Force had been conniving with smugglers and infiltrators. Would you kindly tell me, Mr. Minister, whether it is a fact that you are coming to know of this only for the past one or two years. If I remember correctly, in the year 1978 when I was a Member of the Lok Sabha, we have discussed about the personnel of the Border Security Force, and some of the eminent speakers have stated that there was smuggling and infiltration even in the year 1978. We all know that there is smuggling and infiltration even though we do not have any perfect market, even though we do not have a laissez-faire policy, in any one of the States of our country; we have

foreign goods. How could we get those foreign goods? Not through West Bengal or Punjab or through any other State of the country but especially through the border which is expected to be protected properly and seriously by the Border Security Force, we are getting all these things. If I want to purchase anything, I can purchase it very easily from the Burma Bazaar in Madras. How could we get it? How it crosses our border? So, there is infiltration.

We have also pointed out about the duties and rights of BSF personnel. I have got with me certain information with regard to the appointment and promotion of BSF personnel. I will be failing in my duty if I do not say anything about the defects of the BSF. What steps we have taken to improve the facilities for the BSF personnel? After leaving their kith and kin, they are thousand and thousand miles away from their native place, to protect our borders. We expect them to do their duties and to render justice for the entire citizens of this country.

I had an opportunity to go Jammu in the year 1982. When I went to the border very near to Jammu, I have seen two of our persons belonging to BSF who were chatting with the Pakistani soldiers. They were exchanging cigarettes and chatting jocularly. In that particular area they had created a peaceful atmosphere. We want to created this type of atmosphere throughout the world. I asked our persons one question: since how many years they have been working in Jammu? They told me that they were working for the past one decade leaving their kith and kin. They have no connections. When they are expected to lead that kind of life without any extra payment or emoluments, how could you expect them to be sincere and honest? We confer all the benefits for the persons who are working inside the country who do so many unnecessary and unwanted things. First of all their facilities should be improved. They should be appointed in civil services after completing some 15 years of service in BSF like other Armed Forces personnel. You can send any of the Armed Force personnel above the rank of Colonel and Major for IAS posts. But you have not given the same opportunity to the BSF personnel. Why? Is there any scope for quick promotion after having put in some years of service? Are you in a position to take them to civil services?

I think some 15 days back if I remember correctly a statement from the Home Ministry says that they are not in a position to take more than 25 persons from BSF and other Departments for IAS posts and other senior UPSC selection posts. When that is the case, how could you expect sincerity and honesty from BSF personnel? You can say it is the duty of the Members to protect our country who are representing in the Parliament 72 crores of population. We know what exactly we are doing here. By the time when we render that justice, you expect real justice from the personnel of the BSF. Unless and until you give proper facilities and promotion avenues we cannot expect from them sincerity and honesty.

Mr. Vice-Chairman, Sir, through you, I would like to intimate to our Honourable Minister who is also a young man, maybe half of my age, to take up the entire responsibility of solving these problems. Finally, I would like to tell one thing...

SHRI V. GOPALSAMY (Tamil Nadu): His size is double of yours, and his age is double of yours.

SHRI R. MOHANARANGAM: With regard to the size as Mr. Gopalsamy pointed out—whenver he gets an opportunity to say something about me he never used to fail—in fact, after my coming out of the Law college I wanted to join the Army but considering my size, they have refused to take me. That is the reason why I did not go. Afterwards I have chosen an easy profession, namely, the politician's profession.

Sir, I want to suggest two or three points. Number one, you should give pro-

[Shri R. Mohanarangam]

per training for the personnel of the BSF. Even in colleges there is training for NCC. If we go to the Army they will give training. But I feel we do not give sufficient training for the BSF personnel. When I speak about the training, I do not mean about the physical exercises, but teaching them about patriotism. We should also teach them about goodwill.

We should teach them they are citizens of this country. That is why the framers of our Constitution when they started writing the Constitution, said, "We the citizens of India...". There is only one single citizenship in our country. I cannot say I **am a citizen of Tamil Nadu and a citizen** of India. I can only say I am a citizen of India. One can say that in the United States where one can call oneself a citizen of California and then a citizen of America. But not here. We have one single citizenship for the entire country. Therefore, we should teach that patriotism, that will power. And then, kindly don't depute the Border Security Force to all and sundry jobs, don't draft them over to civil administration. Whenever there is a natural calamity somewhere, whenever there is a disturbance somewhere, you immediatly push the Border Security Force to take charge. No, you should not put them on jobs which they are not expected to do. If you like you create an entirely separate force for such old jobs and give that responsibility to that force, but not the Border Security Force. The Border Security Force should have responsibility only and exclusively of maintaining the security of the border. With those words I conclude.

SHRI BIR BHADRA PRATAP SINGH (Uttar Pradesh): Mr. Vice-Chairman, I am thankful to you for giving me this opportunity. Many speakers have expressed their views. This is a very welcome piece of legislation. The amendment of Section 11 of the Criminal Law Amendment Act 1952 by including Border Security Force Act 1968 in it will serve the requisite purpose and correct the position which was upset on account of the Supreme Court judgment as has been referred to by the Minister and many other speakers. Here the 1952 Act has been amended prospectively. I find that from the Objects and Reasons so that the jurisdiction exercisable by courts in respect of officers classified in Section 6(1) of the Criminal Law Amendment Act 1952 is not affected by the provisions relating to trial by a Special Judge as provided in the judgment on the interpretation of Section of the Act. So the conflicting position created by Section 6(1) and Section 7(1) of the Criminal Law Amendment Act stands resolved by this amendment. In order to enforce discipline, to ward off corruption and to make BSF fully dutiable the amendment was a necessary one. It has been pointed out that BSF has had a life of 20 years. It was established in 1965 and the Act came into force in 1968 and in 1971 the element of war efforts was introduced as one of the objectives apart from those that were there already, viz. checking smuggling, about which a lot of things have been said; checking border infiltration—one of the speakers said that 3 to 4 crore people have come through infiltration and they have increased the population of this country—and for protecting our border running into 7335 kms and protecting such a long border is indeed a difficult task, as has been pointed out by various speakers.

6.00 P.M.

They are also called in to help the civil authorities to maintain law and order. Then, there are many other tasks which are put on them from time to time. For instance, they had to fight in Bangladesh in 1971. Sometimes the task of meeting the threat of floods also is assigned to them as one of their duties. Now we have to put them in both the sectors of our borders, namely, the Western sector and the Eastern sector. The border regions of Assam, Tripura, Meghalaya, Nagaland and North Bengal are in the Eastern sector, and they have to perform many duties here. Similarly, in the Western sector also, they have to tackle the smugglers, the extremists of Punjab and the infiltrators in Jammu and Kashmir, whose activities also have led to difficulties and war-like situations. Earlier the object was to promote a sense of security amongst the people living in the porder areas. But, later on, it was used to prevent trans-border crimes and unauthorised entry into our territory.

Now, Sir their role is actually to fight. But their conditions of service are not on par with those in the Army. I do not put them in the same position as I put the Army. But....

.THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Mr. Singh, how long will you take? Or, you can speak tomorrow. You can continue tomorrow.

SHRI BIR BHADRA PRATAP SINGH: Yes, I will speak tomorrow.

.THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): All right. The House now stands adjourned till 11-00 A.M. tomorrow.

The House then adjourned at three minutes past six of the Clock till eleven of the Clock on Thursday, the 8th August, 1985.

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